

## REMARKS

### FORMAL MATTERS:

Claims 1-59 are pending after entry of the amendments set forth herein.

Claims 1 and 29 have been amended to recite a water-soluble polymer having a molecular weight greater than 500 Daltons. Support for this amendment is found in the paragraph bridging pages 12 and 13 of the specification. Claims 45 and 53 have been amended to recite a method of cleaving ... from a solid support. Support for this amendment is found in original claims 45 and 53. New claims 58 and 59 have been added. Support for new claim 58 is found in original claims 1-3. Support for new claim 59 is found in original claim 1.

No new matter has been added.

### ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation the allowability of claims 3, 4, 7-10, 15, 17-19, 23-25, 32, 33, 35, 40, and 45-57.

### REJECTIONS UNDER §112, ¶2

Claims 16, 45-53 and 56 were rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

The Examiner asserted that the omission of chemical structures for the groups  $\psi$  and  $\phi$  is an omission of essential elements, which omission amounts to a gap between the elements. MPEP § 2172.01. Applicants respectfully disagree.

The groups  $\psi$  and  $\phi$  are essential only by their presence and not by their structure. The groups may be any divalent radical. The Examiner is respectfully reminded that breadth of a claim is not to be equated with indefiniteness. MPEP § 2173.04.

Furthermore, Claim 16 recites only a single element, namely either polyamide moiety. As such, there is no failure to interrelate essential elements of the invention as defined by Applicants, as set forth in MPEP § 2172.01. Note, for example, that in *In re Collier*, 397 F.2d 1003, 189 USPQ 149 (CCPA 1976), cited in MPEP § 2172.01, there were two structural elements (a connector member and a ground wire) without a recitation of structural cooperation between those elements.

Even if the Examiner regards the formulae in Claim 16 as including more than a single element, the interrelationship of  $\psi$  and  $\phi$  with the remainder of each formula is set forth by each formula itself. One knows exactly where  $\psi$  and  $\phi$  bond to the remaining atoms of each formula. Accordingly, there is no failure to recite an interrelationship of essential elements of the sort set forth in MPEP § 2172.01. This aspect of the rejection may be withdrawn.

With respect to Claims 45-53 and 56, the Examiner asserted that the omission of essential steps, namely the synthesis of the thio- or selenoester generator attached to a support, amounts to a gap between the recited steps. MPEP § 2172.01. Applicants respectfully disagree

Present claims 45 and 53 now recite in the preambles thereof a method of cleaving a thioester or selenoester compound from a solid support, thereby reciting agreement between the preambles and the cleaving steps of the claims. As such, there is no need to recite synthetic steps for the synthesis of the thio- or selenoester generator attached to a support. One needs only to have the generator provided in order to practice the invention of these claims. Therefore, there is no failure to interrelate essential elements of the invention as defined by Applicants, as set forth in MPEP § 2172.01. This aspect of the rejection may be withdrawn.

With respect to Claim 56, Applicants respectfully note that the claim does not require a thio- or selenoester generator attached to a support, or even necessarily providing a synthon and/or a compound of interest on a solid support. As such, there is no need to recite synthetic steps for the synthesis of the thio- or selenoester generator attached to a support. Clarification is respectfully requested.

## REJECTIONS UNDER §102

Claims 1, 2, 5, 6, 11-14, 20-22, 26-31, 34, 36-39, and 41-44 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the paper of Sasaki and Koga (*Chem Pharm Bull* 1989, 37:912-919) (hereinafter “Sasaki”). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Present claims 1 and 29 recite that the water soluble polymer has a molecular weight greater than 500 Daltons. As the crown ether of Sasaki has a molecular weight of 336, Sasaki does not anticipate

these claims. Applicants further note that there is no disclosure of selenoesters in Sasaki, as in new claim 59.

Furthermore, present claim 58 includes the subject matter of original claims 1-3. The allowability of claim 3 has been indicated by the Examiner. Specifically, claim 58 recites, *inter alia*, *wherein said amino acid synthon comprises two or more amino acid residues and wherein one or more of said amino acid residues comprise a reactive functional group*. Thus, present claim 58 recites that the amino acid synthon comprises two or more amino acid residues, and one or more of these amino acid residues comprise a reactive functional group. As such, the presence of a reactive functional group on an amino acid is required by the claim.

In contradistinction, compounds 44 and 48 of Sasaki (relied upon by the Examiner) do not disclose a reactive functional group on the amino acids of the compounds.

Accordingly, because each and every element of the present claims is not disclosed identically in Sasaki, there is not anticipation. Withdrawal of this rejection is respectfully requested.

**CONCLUSION**

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number AMLN-044.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP



Date: December 13, 2006

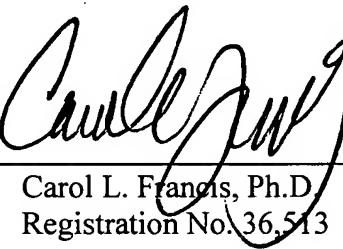
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